



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held November 14, 2006, the Board took the following action:

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The following item was called up for consideration:

County Counsel's recommendation to adopt findings and conditions and order approving modifications to Special Permit Case No. 1404-(5) under Revocation/Modification proceedings to authorize the continued operation and maintenance of Agua Dulce Airpark, a private commercial airport with appurtenant facilities located at 33638 Agua Dulce Canyon Rd., unincorporated community of Agua Dulce, Soledad Zoned District, a Regional Planning Commission Initiative.

Rick Weiss, County Counsel, Ted Gustin, representing the Department of Public Works, Mark Armbruster, David McCord, Dan White and other interested persons addressed the Board.

Supervisor Antonovich made the following statement:

"In June, the Board of Supervisors voted to modify the conditions of Special Use Permit 1404-(5), the County approval that governs the Agua Dulce Airpark. Less than 6 months later, my office has received complaints about several separate incidents involving night flights, as well as allegations that Airpark staff does not respond to complaints left on voice-mail.

"For several months now there has been no regular staff at the Airpark. Gates are locked, with access available only to those with pass keys. The Airpark's telephones are not answered and, from what is reported to my office, calls are not returned.

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“As I indicated in June, the applicant’s record operating the Airpark is cause for concern:

- A series of Notices of Violation issued by the Departments of Regional Planning and the Public Works Division of Building & Safety which demonstrate that the applicant has repeatedly violated the conditions of approval of Special Use Permit 1404-(5);
- The applicant’s submittal of applications and plans with conflicting information;
- The applicant’s construction of new hangars without Federal Aviation Administration approval;
- The applicant’s construction and use of an unauthorized tie-down area;
- Consistently ignoring the County’s code enforcement staff; and
- Consistently ignoring complaints from neighbors.

“On top of all this, the Agua Dulce Airpark has taken an inordinate amount of staff time by employees in the Departments of Regional Planning, Public Works, and County Counsel. The Airpark has been a drain on County resources, depriving the public of staff time more appropriately spent on other enforcement issues.

“Despite the applicant’s actions, the Board is voting to expand the Airpark to triple its size from what is there today. The Board’s action in June regrettably makes a mockery of our code enforcement process. This decision will reward the applicant’s bad behavior rather than punish it.

“If the Board is inclined to move forward on the Airpark, it is appropriate to incorporate additional measures to protect Agua Dulce residents. These include both several “clean-up” items as well as a few new conditions.

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“The “clean-up” conditions I propose would require fire sprinklers for the new hangars, stricter fines for non-compliance, and maintenance of a log of all flights; prohibit construction on Saturdays, construction of a runway that could accommodate aircraft in excess of 30,000 pounds, and the construction of a maintenance facility for jets; and clarify filming restrictions and the definition of “night.” These are reasonable measures that provide additional protections to local residents.

“The “new” conditions require that the applicant prohibit the sale of jet fuel and the flying of model aircraft. Additionally, I am recommending that helicopter operations be further restricted, and that the Regional Planning Commission review Special Permit Case No. 1404-(5) in two years.

“With respect to jets, the terms of both existing Special Permit Case No. 1404-(5) and Condition 40-A of the modification prohibit jets from using the Airpark. Additionally, emergency aircraft do not need jet fuel from the Airpark. Unless the applicant somehow intends to have jets at the Airpark at a future date, there is simply no sound reason to have available or sell jet fuel at the Airpark.

“Implementing noise abatement procedures is entirely logical given the concerns about noise impacts from helicopter traffic. Because pilots currently utilizing the Airpark do not always follow established procedures, there is a concern that helicopter pilots may also ignore such rules. For this reason, the number of daily airpark operations should also be limited. The applicant’s suggestion of 10 take-offs and 10 landings per day suggests helicopter use at the Airpark substantially beyond what is reasonable. A limit of 3 take-offs and 3 landings per day is fair to the neighbors and in no way deprives the applicant of a reasonable amount of helicopter traffic. The applicant’s insistence that they will do either the noise abatement procedures or the daily operations limits is spiteful, and the Board should not consent.

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“Finally, given the combination of several factors, the Airpark’s track record, documented volumes of citizen complaints, and the level of acrimony surrounding this facility, it is entirely appropriate for the Regional Planning Commission to conduct a review of the Airpark in two years. Such a condition would incentives the applicant to abide by the conditions of approval and provide a public opportunity for residents to voice any concerns to the Commission. The Board of Supervisors has required similar reviews for cases that were significantly less controversial than the Agua Dulce Airpark.

“Given the exhaustive and documented public record surrounding the Airpark, it seems only fair to incorporate reasonable measures to provide additional protections for local residents.”

After discussion, Supervisor Antonovich made a motion that the Board adopt the findings and conditions and order approving modifications to Special Permit Case No. 1404-(5), with the following revisions:

- Amend Condition 8, to require that the Regional Planning Commission review this modification of Special Permit Case No. 1404-(5) in two years.
- Amend Condition 13, to require that all new hangars, including the ten hangars partially constructed but not permitted, must include fire sprinklers.
- Amend Condition 25, to prohibit construction activities on Saturday.
- Amend Condition 34, to prohibit air-based filming and/or any filming that involves aircraft in flight (filming of aircraft sitting on the property may be authorized with a valid film permit).
- Amend Condition 34, to require that, for any filming that involves the use of the runways, the Airpark shall be closed for the entire time that film personnel are on the subject property.
- Amend Condition 39-A, to require that the applicant maintain a log of all flight operations taking off or landing at the Airport (irrespective of whether such logs are required by Federal and/or State law).

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- Amend Condition 39-C, to specify that the pavement for the runways shall not be improved nor certified for a maximum gross take-off weight in excess of 30,000 pounds.
- Amend Condition 39-M, to prohibit the construction of a maintenance facility for jets.
- Amend Condition 40-B, to define the term “night” as the period of the day that is one-half hour (not one hour) after sunset until one-half hour (not one hour) before sunrise.
- Amend Condition 42, to increase the penalties for non-compliance to \$2,500 per day per violation that is not remedied.
- Amend Condition 44, to require that the applicant incorporate both the helicopter noise abatement procedures (“Alternative One”) and limit the daily use of the Airport by helicopters to 3 take-offs and 3 landings per day (“Alternative Two”).
- Add a new Condition 45, to prohibit the flying of model aircraft on the subject property.
- Add a new Condition 46, to prohibit the sale of jet fuel on the subject property.

Supervisor Antonovich’s motion failed for lack of a second.

After further discussion, on motion of Supervisor Yaroslavsky, seconded by Supervisor Molina, duly carried by the following vote: Ayes: Supervisors Molina, Burke, Yaroslavsky and Knabe; Noes: Supervisor Antonovich, the Board adopted the attached findings and conditions and order approving modifications to Special Permit Case No. 1404-(5), with an amendment to Condition 44 to include only “Alternative One” as contained in the Conditions of Approval to read as follows:

- Permittee shall develop helicopter noise abatement procedures that will serve to reduce noise exposure in the surrounding community to the maximum extent practicable. The procedures shall address, at a minimum, helicopter arrival and departure procedures, recommended altitudes and speeds for different phases of flight over the Airport and the surrounding area, and recommended routes for operating to and from the airport. The permittee shall develop the helicopter noise abatement procedures, and make any changes in the procedures, in consultation with a qualified, professional noise consultant with substantial relevant experience.

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The procedures shall also be subject to the review and approval by the Department, and the Departments of Public Works and Health Services, which review shall be based upon helicopter noise considerations, and which approval shall not be unreasonably withheld. Permittee further shall coordinate with the just-named departments on the procedures prior to implementation and shall publish and distribute the helicopter noise abatement procedures to each and every helicopter pilot using the Airport. Moreover, the permittee shall provide additional information to helicopter pilots on helicopter noise abatement measures made available by helicopter manufacturers or helicopter industry groups.

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Attachment

Copies distributed:

Each Supervisor
County Counsel
Director of Planning
Director of Public Works
Mark Armbruster
David McCord
Dan White